

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IBEW LOCAL 400 WELFARE, PENSION,  
ANNUITY, SUPPLEMENTAL, AND  
JOINT APPRENTICESHIP TRAINING  
FUNDS, et al.,

Plaintiffs,

v.

A.J. GIANNATTASIO ELECTRICAL  
CONTRACTORS, INC.,

Defendant.

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CIVIL ACTION NO. 15-7637 (MLC)

**MEMORANDUM OPINION**

**THE PLAINTIFFS** allege that the defendant employer has failed to remit certain required contributions in violation of the Employee Retirement Income Security Act.

(See dkt. 1.)

**THE CLERK OF THE COURT** has entered default in favor of the plaintiffs and against the defendant in accordance with Federal Rule of Civil Procedure (“Rule”) 55(a).

(See entry following dkt. 5.)

**THE PLAINTIFFS** now move pursuant to Rule 55(b)(2) for the entry of default judgment against the defendant. (See dkt. 6.) The plaintiffs have submitted proof of damages in support of the motion. (See generally id.)

**THE DEFENDANT** has not opposed the motion, even though the return date has elapsed. The Court's independent review of the relevant Westlaw databases reveals that the defendant does not have a pending petition for bankruptcy protection, and thus the defendant could have responded to the motion.

**THE COURT** will decide the motion without oral argument. See L.Civ.R. 78.1(b). The Court will grant the motion, because the Court's review of the supporting papers reveals that the plaintiffs have demonstrated entitlement to relief.

**THE COURT** notes that the defendant has an available avenue to contest the entry of default judgment, if appropriate. See Fed.R.Civ.P. 55(c) (stating court "may set aside a final default judgment under Rule 60(b)"); see also Fed.R.Civ.P. 60(b) (setting forth grounds for relief from final judgment). For good cause appearing, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: April 5, 2016